

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)**

12cv6486JS

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. PETER Young 08R0331
2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. BRAIN FISCHER Comm. & Agents 5. Sgt CHANDLER & Agents
2. GRAHAM SUPERINTENDENT & Agents 6. OFFICER BELL
3. Sgt Brower & Agents 6. OFFICER CASLER
ON ANOTHER SHEET OF PAPER. (1A)

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: PETER YOUNG 08R0331
Present Place of Confinement & Address: AUBURN Correctional Facility, P.O.
Box 618, AUBURN, New York, 13024
(Cayuga County)
Name and Prisoner Number of Plaintiff: _____
Present Place of Confinement & Address: NONE

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Comm. BRAIN Fischer
 (If applicable) Official Position of Defendant: Comm. OF DEPARTMENT OF CORRECTION
 (If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity
 Address of Defendant: _____

Name of Defendant: HAROLD GRAHAM
 (If applicable) Official Position of Defendant: SUPERINTENDENT OF AUBURN CORRECTIONAL FACILITY
 (If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity
 Address of Defendant: AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN New York, 13024

Name of Defendant: Brower
 (If applicable) Official Position of Defendant: SGT OF SPECIAL HOUSING UNIT (BOX) OR
 (If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity (ISOLATION TIER)
 Address of Defendant: AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN, NEW YORK, 13024
ON ANOTHER SHEET OF PAPER (2-A)

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
 Yes _____ No X

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:
 Plaintiff(s): _____
 Defendant(s): _____
2. Court (if federal court, name the district; if state court, name the county): _____
3. Docket or Index Number: _____
4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

_____ Dismissed (check the box which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to exhaust administrative remedies;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

B. Have you begun **any other lawsuits in federal court which relate to your imprisonment?**

Yes X No _____

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): PETER YOUNG 080331

Defendant(s): SUPERINTENDENT GREGORY T KADION ET AL

2. District Court: UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

3. Docket Number: Rochester 09-CV-1639

4. Name of District or Magistrate Judge to whom case was assigned: JUDGE CHARLES SIRAGUSA

5. The approximate date the action was filed: Dec 2009

6. What was the disposition of the case?

Is it still pending? Yes ✓ No _____

If not, give the approximate date it was resolved. _____

ANOTHER SHEET OF PAPER MARKED
3A

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) ALL DATES + GRIEVANCE ON FILE,
 defendant (give the name and position held of each defendant involved in this incident) AUBURN, C.F., Comm
BRAN FISHER, Supt. HAROLD GRAHAM + Agents, Brower, CHANDLER, Heath, Fagan
LT VASILE, GATLER, PUTMAN, SCHUG, BEA REFUSE TO GIVE ME LEGAL MAIL,
 did the following to me (briefly state what each defendant named above did): Read my LEGAL MAIL,
DISCARD my LEGAL MAIL, NO ACCESS TO COURT,
RIGHT TO COUNSEL, BY REFUSING TO MAIL OUT my
LEGAL MAIL. DESTROYED EVIDENCE OR COPIES
OF LEGAL DOCUMENTS. I BEEN ASKING FOR MONTHS
FOR LEGAL SUPPLIES (CARBON PAPER). THE OFFICER OF THE
D.O.C. REFUSE TO give ME My LEGAL BOOKS, LEGAL WORK
COPIES OF GRIEVANCE I'M IN ISOLATION WITH NOTHING BUT A
PEN + PAPER. NO ACCESS TO LAW
 The constitutional basis for this claim under 42 U.S.C. § 1983 is: LIBRARY
I HAVE TO get My LEGAL BOOKS FOR THIS QUESTION 8TH 1ST 14TH
 The relief I am seeking for this claim is (briefly state the relief sought): MONEY DAMAGES, AND TO SEE
THE OFFICERS ARRESTED FOR MAIL TAMPERING, HARASSMENT,
ASSAULT ETC. NO ACCESS TO THE COURT!

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes No If yes, what was the result? THE SAME OFFICERS
+ SGTs REFUSE TO Send grievance TO GRIEVANCE OFFICE OR THE SAME SGT
 Did you appeal that decision? X Yes No If yes, what was the result? INVESTIGATED THE CLAIM
NOTHING WAS DONE
BY THE DEPARTMENT OF CORRECTION OR Comm BRAN FISHER.

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: I EXHAUSTED ALL
ADMINISTRATIVE REMEDIES THIS BE GOING ON FOR 3 YEARS FROM FACILITY
TO FACILITY IN BOX OR ISOLATION.

A. SECOND CLAIM: On (date of the incident) ALL DATES + GRIEVANCE ON FILE OFFICERS REFUSE
 defendant (give the name and position held of each defendant involved in this incident) OFFICERS ON RECORD
FOR ASSAULT BESIDES THE ABOVE OFFICERS WHO ARE ON VIDEO AND
AUDIO. NAMES ON RECORD, PLUS ON TAPE.

did the following to me (briefly state what each defendant named above did): USED CHEMICAL Agent
AND FORCE ME OUT MY CELL. OFFICERS UNDER THE D.O.C.
IN RIOT GEAR NIGHT STICK & SHIELD CAME INTO MY
CELL THROW ME DOWN PROCHING ME CHOKING ME, KNEADING
ME TWISTING MY ARMS DOING BRUTAL HARM
TO MY RIBS HEAD BACK THAT I CAN HARDLY WORK
BECAUSE I REFUSE TO GO MEDICAL TO SEE DOCTOR
WHICH IS AGAINST MY RELIGIOUS BELIEF & FOR BEING ON HUNGER

The constitutional basis for this claim under 42 U.S.C. § 1983 is: STRIKE. 1ST AMENDMENT,
8TH AMENDMENT 14TH AMENDMENT.

The relief I am seeking for this claim is (briefly state the relief sought): MONEY DAMAGES AND HAVE
THE RIGHT TO PRESS CHARGE AGAINST THE ABOVE OFFICERS OF
D.O.C.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes No If yes, what was the result? NOTHING WAS
DOE AND MOST OF CLAIMS WAS NOT PROCESS

Did you appeal that decision? X Yes No If yes, what was the result? THE OFFICERS OR THE
GRIEVANCE OFFICE REFUSE TO DO ANYTHING. ALL COPIES & GRIEVANCE
WERE TAKEN FROM ME.

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: Yes

MORE ON ANOTHER SHEET OF PAPER MARKED C/A.

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Looking for 5 MILLION DOLLARS FROM AUBURN C.F. 1 MILLION
FOR EACH OF THE DEFENDANTS FROM AUBURN C.F. 1 MILLION DOLLAR
FROM EACH OF DEFENDANTS PERSONALLY.

Do you want a jury trial? Yes X No

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Sept. 1, 2012
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Pete Young 9/1/12
PETE YOUNG 08R0331

Signature(s) of Plaintiff(s)

(1-A) OFFICER HEATH, OFFICER FAGEN, OFFICER PUTMAN
OFFICER SCHUG, LT VASILE AND AUBURN CORRECTIONAL FACILITY

(2-A) SGT CHANDLER
SGT OF SPECIAL HOUSING UNIT (BOX OR ISOLATION TIER)

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR ☒
OFFICIAL CAPACITY.

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN, NEW YORK 13024

OFFICER BELL

OFFICER BELL CHARGE TO GIVE OUT LEGAL SUPPLIES,
FOOD TRAYS, TOWELS, SHEETS, PICK UP LAUNDRY MAKE
SURE TIER RUNS SMOOTH FROM 7AM TO 3PM

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR ☒
OFFICIAL CAPACITY.

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618 AUBURN
NEW YORK 13024

OFFICER CASLER

OFFICER CASLER, TO HAND OUT DINER TRAYS, HAND OUT
MAIL AND LEGAL MAIL, PICK UP LEGAL MAIL, 3PM TO 11 PM
SHIFT. TO MAKE SURE TIER RUNS SMOOTH. S.H.U
OFFICER

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR ☒
OFFICIAL CAPACITY.

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(2-A)

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN NEW YORK 13024

OFFICER HEATH

OFFICER HEATH, TO HAND OUT DINER TRAYS, HAND OUT MAIL AND LEGAL MAIL, PICK UP LEGAL MAIL 3pm TO 11pm SHIFT. TO MAKE SURE TIER RUNS SMOOTH. S.H.U OFFICER.

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR OFFICIAL CAPACITY

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN NEW YORK 13024

OFFICER FAGEN

OFFICER FAGEN IN CHARGE TO GIVE OUT LEGAL SUPPLIES AND OTHER SUPPLIES, HAND OUT BREAKFAST & LUNCH TRAYS, TOWELS, SHEETS, PICK UP LAUNDRY MAKE SURE TIER RUNS SMOOTH, FROM 7am TO 3pm.

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR OFFICIAL CAPACITY

AUBURN CORRECTIONAL FACILITY P.O. BOX 618
AUBURN NEW YORK 13024

OFFICER PUTMAN

OFFICER PUTMAN IS A FILL IN SPECIAL HOUSING UNIT HANDS OUT LEGAL MAIL OR DINER TRAYS ETC. FROM 3pm TO 11 TO GET OVERTIME.

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Page 3

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR ☒
OFFICIAL CAPACITY

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN NEW YORK 13024

OFFICER SCHUG

OFFICER SCHUG IT WAS THE FIRST TIME
I SEEN HIM IN S.H.U. HANDED OUT LEGAL MAIL
FROM 3pm TO 11pm MUST OF BEEN A FILL IN
OR A RINGER. NEVER SEEN HIM AGAIN.

DEFENDANT IS SUED ☒ INDIVIDUAL AND/OR ☒
OFFICIAL CAPACITY

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN NEW YORK 13024

LT VASILE

LT VASILE OVERSEER OF ALL THE ABOVE
IN S.H.U. (BOX OR ISOLATION TIER)

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN NEW YORK 13024

AUBURN CORRECTIONAL FACILITY

WHERE THE AGENTS OF COMM. BRAW FISCHER, SUPER-
INTENDANT HAROLD GRAHAM OFFICERS WHO ARE ON
RECORD & VIDEO AND AUDIO TAPES WERE MADE WHO
ASSAULTED ME IN RIOT GEAR WHO DON'T WORK
IN S.H.U.

AUBURN CORRECTIONAL FACILITY, P.O. BOX 618
AUBURN, NEW YORK. 13024

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3A UNITED STATES DISTRICT COURT WESTER DISTRICT
ROCHESTER N.Y.

PLAINTIFF: PETER YOUNG 080331

DEFENDANTS: DOCTOR CANFIELD, MR MCNETT
AND SOUTHPORT CORRECTIONAL FACILITY

DISTRICT COURT, UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK ROCHESTER,

DOCKET NUMBER 11-CV-6007CJS

APPROXIMATE DATE FILED NOV 2011

IT STILL PENDING Yes

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4A THIRD CLAIM

OFFICER HEATH, CASLER, SGT CHANDLER, SGT Brower, SUPER. HAROLD GRAHAM AND COMM. BRAIN FISCHER REFUSE TO MAIL OUT A CIVIL RIGHT CLAIM AROUND 7 MONTH AGO WHICH I WROTE TO THIS COURT MANY TIMES TRYING TO GET HELP. THE OFFICER ALSO REFUSE TO MAIL OUT DEMAND FOR EVIDENCE IN CASE NO^W 09-CV-6639 CTS.

SUPER INTENDANT GRAHAM WROTE ME TELLING ME HE DISCARDS MY LEGAL DOCUMENTS & OFFICER CASLER WENT INTO MY CELL MANY TIMES TAKE EVIDENCE OUT OF MY CELL WHEN I TOOK A SHOWER. NOT GIVEN ME DUE PROCESS. MY FOOD HAS BEEN TAMPERED WITH, I BEEN THREATEN BY OFFICER BELL, LT VASILE, TORMENT BY OFFICER FAGAN, FOOD TAMPER WITH BY OFFICER FAGAN REFUSE LEGAL SUPPLIES BY OFFICER FAGAN & MORE SEXUAL REMARKS FROM OFFICER FAGAN, HARASS BY HEATH, CASLER, Brower, SGT CHANDLER ABOUT MY RELIGIOUS BELIEFS. FOR WRITING GRIEVANCES AND A CIVIL RIGHT CLAIMS WHICH HAD ALL THE GRIEVANCES, EVIDENCE ATTACHED TO PREVIOUS 1983 CLAIM. I ALSO MAIL COPY TO MY ATTORNEY WHICH THE ABOVE OFFICER REFUSE TO MAIL. I'M IN ISOLATION 24/7. THE OFFICERS REFUSE TO GIVE ME MY BIBLE.

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Page 6,

CONSTITUTION BASIS 1ST, 8TH, AND 14TH
AMENDMENTS.

RELIEF SOUGHT MONEY DAMAGES, AND TO
PRESS CHARGES AGAINST OFFICERS OF D.O.C.
A SUPERINTENDENT GRAHAM.

DID YOU GRIEVE & APPEAL THIS CLAIM
YES.

THE SAME SGT, LT VASILE OF
SPECIAL HOUSE UNIT THAT I GRIEVED &
WROTE TO COMM. BRAIN FISHER DID THE
INVESTIGATION

I EXHAUST ALL REMEDIES EXCEPT
TO GO TO COURT. I BEEN IN ISOLATION
BECAUSE THEY CAN CONTROL MY MAIL, NOT
GIVE ME ACCESS TO LAW LIBRARY AND
TO GET ME TO STOP WRITING GRIEVANCE.

THERE'S NO WITNESS THAT CAN SEE ME
ONLY HERE ME. I'M UNDER CAMERAS
24/7.

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